UNITED NATIONS **S**

Security Council

Distr.
General

S/1998/759
14 August 1998

ORIGINAL: ENGLISH

LETTER DATED 14 AUGUST 1998 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to enclose herewith a communiqué issued on 14 August 1998 by the Ministry of Foreign Affairs of Ethiopia, entitled: "Organization of African Unity's facilitation and Eritrea's response".

I should be grateful if you would kindly circulate the present letter and its annex as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

98-23902 (E) 170898

/...

Annex

Organization of African Unity's facilitation and Eritrea's response

As the crisis in the relations between Ethiopia and Eritrea enters its fourteenth week, the Eritrean authorities are finding themselves closer and closer to a dead end as the facts work against them.

It is to be recalled that following the recent meeting, at Ouagadougou, of the Organization of African Unity (OAU) Ministerial Committee dealing with the crisis, at which the two sides were given the findings of the Committee that the Badme area was under Ethiopian administration prior to the period between 6 and 12 May 1998, the Eritrean authorities have changed tactics once again.

It was the earlier assertion, made by the Eritrean President himself, to no less an august body than a committee of African Heads of State that visited him, that Eritrean forces had always been in Badme, that they are there to stay and should not be asked to withdraw from their own territory that prompted the OAU Committee to seek to establish once and for all who administered Badme prior to 12 May 1998. Obviously, this egregious falsehood, so flippantly and so vehemently told the Heads of State, was designed to undermine the resolution of the thirty-fourth Assembly of Heads of State and Government of the OAU, which, by endorsing the proposal of the United States of America-Rwanda facilitation, had, in effect, asked Eritrea to withdraw its forces from Ethiopian territory that they had occupied by force.

The verdict is now in. In the face of incontrovertible evidence, the OAU Committee conclusively affirmed that Badme has been administered by Ethiopia, unmasking the lie told it at the highest level in Asmara. But the Committee did not stop at that. It stated that what happened in Badme from 6 to 12 May 1998 constitutes a fundamental element of the crisis and that the challenge is to find a solution to that problem within the framework of a comprehensive settlement of the conflict in all its dimensions.

The OAU findings are very difficult for Eritrea to accept because they exposed a fundamental falsehood on which Eritrean arguments had been based. In a way, Eritrea expected that the OAU results would be bad for them. That was why they expressed reservations on the terms of reference of the OAU Committee of Ambassadors relating to the administration of Badme and its environs. Anticipating the worst, the leaders in Asmara began referring to the Badme issue as a "trivial", "secondary" matter - a diversion. But aggression cannot be taken by OAU as trivial, and the resolve not to allow that it is rewarded cannot be diversionary.

Is sending the Eritrean army across the border spearheaded by three mechanized brigades to occupy a 400 square kilometre area trivial matter? What is so secondary about it when it is known that Eritrea's aggression, in violation of the Charters of the United Nations and the Organization of African Unity, is a threat to peace or a breach of the peace? How can the cause of the conflict be described as a diversion? One can only conclude that only to an

aggressor can such an action be considered trivial. To the aggressed, it is aggression. It is a crime violating international law on the inviolability of state sovereignty and territorial integrity.

What Eritrea is saying today is that, alright, maybe Ethiopia did administer Badme prior to May 1998, but that the adminstration was illegal. Even earlier, Eritrean leaders had begun to hint that it was actually in 1997 that Ethiopia had encroached upon the Badme area and that it was only since then that the territory had been in Ethiopian hands.

But this is the beginning of yet another lie, and we suggest that Eritrea not waste time peddling it because, once again, the facts don't help.

- Was it because Badme was in Eritrean hands that a census was carried out by Ethiopia in 1994 registering 6,425 residents in the town and the surrounding localities?

- Was it because Badme was in Eritrean hands that no less than six Ethiopian elections were held in the Badme area between June 1992 and February 1996?

- Is it because Badme was in Eritrea that it elected a member to sit in the Ethiopian parliament?

- Is it because Badme was in Eritrea that it had an Ethiopian local, district and municipal Government, a judiciary, peasants and local (Kebele) associations, police, a school and a health centre?

Why was the Ethiopian administration issuing trade licences for Badme businessmen? Because Badme was Eritrean?

How can Eritrea explain the 28 or more letters written by local Eritrean official bodies across the border to the Ethiopian administration of Badme requesting cooperation on this or that matter? Eritrean authorities have been communicating with the Badme administration, officially and in writing, since Eritrea's formal independence in 1993 and years before the aggression by Eritrea against Ethiopia, recognizing the administration as a legal local administration of Ethiopia. It is these facts and the other massive body of evidence that compelled the Organization of African Unity fact-finding Ambassadorial Committee to conclude that Badme was under Ethiopian administration until the Eritrean aggression.

In our opinion, Eritrea's leaders would do well to put an end to their fabrication of new stories, plots and sub-plots and face the inevitable. The facts don't help them.

Clearly, what Eritrea is trying to do is to scuttle yet another effort by OAU at peacemaking - as it did to the United States of America and Rwanda and to all others of goodwill who tried to help. The OAU should recognize this and deal with this subterfuge accordingly.

As for Ethiopia, it was not because we needed proof that Badme belonged to Ethiopia that we went along and cooperated with the OAU's efforts to verify who administered the area before May 1998. We cooperated with this effort because, although painful, we respected OAU and desired to facilitate its well intentioned task. It was obvious to us that OAU would conclude matters in our favour. After all, the facts cannot be changed and the facts were on our side.

We simply wish to call the attention of OAU and all concerned with finding a solution to this crisis to the position of the Government of Ethiopia that the new round of prevarication by the Eritrean authorities should not be tolerated and that the appropriate steps should be taken to put the necessary pressure upon Asmara to listen to reason and to take the steps critical for the peaceful resolution of the crisis.